

REC'D BY
M.D.
SEP 07 1995

**AMENDMENT TO THE JOINT
RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWNSHIP OF ST. JOSEPH, MINNESOTA
AND THE CITY OF ST. JOSEPH, MINNESOTA**

The Township of St. Joseph and the City of St. Joseph hereby jointly agree that the area designated for orderly annexation in Joint Resolution Between the Township of St. Joseph and the City of St. Joseph Designating an Area for Orderly Annexation dated October 10, 1975 be amended to include the following:

Both the Township and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of this resolution, the Municipal Board may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the Joint Resolution.

The property is legally described as follows:

All Property located on the North side of Minnesota Street beginning at the Eastern edge of the Corporate Limits, extending Easterly approx. 950 feet; and the South Side of Minnesota Street beginning at the Eastern edge of the Corporate Limits extending Easterly to 91st Avenue; and on the West side of 91st Avenue beginning at County Road 134 extending Southerly 400 feet to the Corporate Limits; and on the East side of 91st Avenue, beginning at the southerly line of Lynx Road extending South to include all of Forest Ridge Addition; and Lot 7 Block 2, Whispering Pines Addition; and Lots 14 & 15 Block 1 Whispering Pines Addition.

See Attachment

LESS AND EXCEPT

Parcel Number 31.20786.000; .42 acres, E118' of W 505.5' of NW1/4SW1/4 North of Highway (Mensingher)

AND

Lot 4, Block 9; Cloverdale Estates. Parcel #31.21219.000

SEP 07 1993

WHEREAS, the portion of property described as Forest Ridge Addition is not currently designated for orderly annexation;

The undersigned jointly resolve that the area known as Forest Ridge Addition is in need of orderly annexation, and resolve that the property be annexed in conjunction with the remainder of the above described properties.

Approved by the City of St. Joseph this 2nd day of September, 1993.

Donald "Bud" Reber
Mayor

(SEAL)

Rachel Stapleton
Clerk/Administrator

Approved by the Township of St. Joseph this 2 day of Sept, 1993.

Jerome Salzer
Township Board Chairman

(SEAL)

Anna Reischl
Township Board Clerk

NameParcel Number

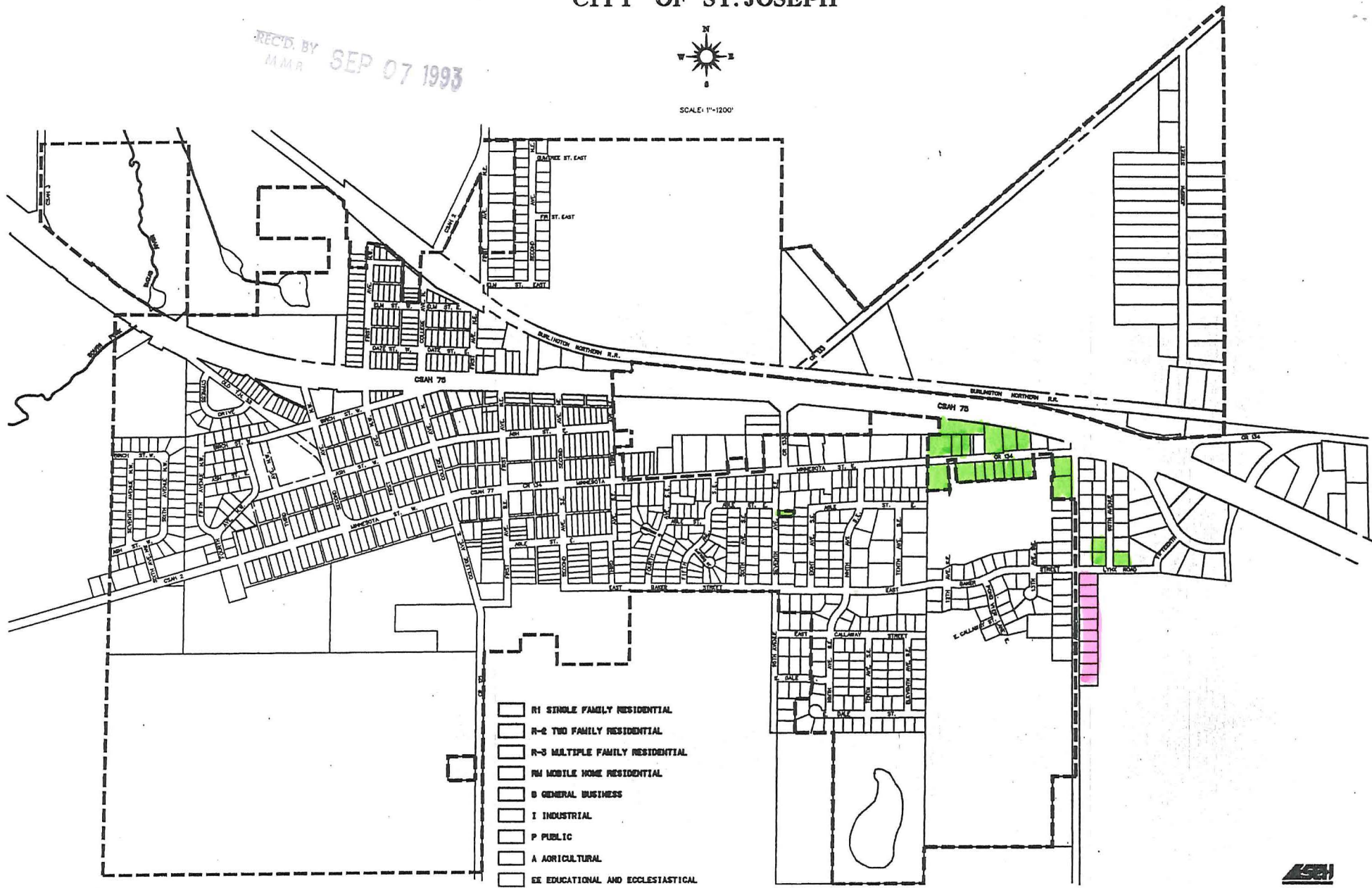
Ronald Kostreba	31.20783.000	
Robert Schuh	31.20784.000	- GR Red
Robin Duncan & Brian Murphy	31.20787.000	
College of St. Benedict	31.20763.006	
Raymond Brandenburger	31.20785.000	
Paul & Carolyn Kollman	31.21360.001	
Terrance & Linda Loso	31.21360.000	
Alfred & Margaret Kalla	31.20774.000	
Jon & Carla Brundell	31.21353.000	
Fred & Jane Reber	31.21352.000	
Marvin & Monica Stanger	31.21351.000	
Irvin & Imelda Klocker	31.21350.000	
Theodore Klocker Etal	31.20784.000	
Theodore & Marion Duncan	31.21349.000	
Melvin & Aurelia Ruegemer	31.20770.000	
Joseph Styles & Curtis Cotton	31.20782.001	
Wahlstrom & Prose	31.20775.000	
Daniel & Evelyn Pueringer	31.21294.000	
Joel & Laurie Vogel	31.21295.000	
Robert M. & Linda Kappes	31.21296.000	
Mary Ellen Villalta	31.21297.000	
James & Deborah Harlander	31.21298.000	
Charles & Ann Scherer	31.21299.000	
Gerald & Jacquelyn Klaphake	31.21300.000	
Mark & Elaine Thyen	31.21301.000	
John & Yvonne Lieser	31.21359.000	
William & Rose Meierhofer	31.20788.000	- GR Red
Dale & Judy Richter	31.21433.000	
Gary & Debby Heltemes	31.21425.000	
Gerald & Linda Utsch	31.21426.000	

CITY OF ST. JOSEPH

REC'D BY
M.M.R. SEP 07 1993



SCALE: 1"=1200'



AMENDMENT TO THE JOINT RESOLUTION
FOR ORDERLY ANNEXATION
BETWEEN THE TOWNSHIP OF ST. JOSEPH, MINNESOTA
AND THE CITY OF ST. JOSEPH, MINNESOTA

The Township of St. Joseph and the City of St. Joseph hereby jointly agree that the area designated for orderly annexation in the Joint Resolution between the Township of St. Joseph and the City of St. Joseph designating an area for orderly annexation dated October 10, 1975 be amended to include the following:

Both the Township and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of this resolution, the Municipal Board may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the Joint Resolution.

Whereas, the following described property is not currently designated for orderly annexation;

The undersigned jointly resolve that the described property is in need of orderly annexation, and resolve that the property be annexed. The property, upon annexation, retains the existing Long Range Road Plan previously adopted by St. Joseph Township and the A.P.O. through its members, including further any property to be annexed be annexed with the requirement that any prospective road corridors previously established by St. Joseph Township as to said property be preserved, enforced and implemented. (See exhibits A & B)

The property is legally described as follows:

That part of the Northwest Quarter of the Northwest Quarter in Section 15, and that part of the North Half of the Northeast Quarter in Section 16, and that part of the South Half of the Southeast Quarter in Section 9, and that part of the Southwest Quarter of the Southwest Quarter, in Section 10, all in Township 124, Range 29, Stearns County, Minnesota, lying South of the existing corporate limits of the City of St. Joseph, lying West of College Avenue and lying North and East of the following described line: Commencing at an iron monument at the Northwest corner of said Section 15; thence along the North line on an assumed bearing of East, 661.35 feet; thence South 00 degrees 10 minutes West a distance of 1207 feet; thence bearing East 660 feet, more or less, to a point on the East line of the Northwest Quarter of the Northwest Quarter, in said Section 15, said point being the point of beginning of the line to be described; thence bearing West along the previously described East-West line and its Westerly extension, a distance of 3300 feet, to a point lying due South of the Southwest corner on Lot 5, in Auditor's Subdivision No. 4, according to the recorded plat thereof, Stearns County, Minnesota; thence due North to the Southwest corner of said Lot 5 and there terminating.

LESS AND EXCEPT:

The South Thirteen (13) rods of the East Sixteen and Two-thirds (16 2/3) rods of the North Twenty-four (24) rods of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of section Fifteen (15) in Township One Hundred and Twenty-four (124) North, of Range Twenty-nine (29) West and containing One and One-third (1 1/3) acres more or less; AND

The Easterly Sixteen and Two thirds (16 2/3) Rods of the Southerly One and Four Tenths (1.4) Rods of the Northerly Eleven (11) Rods of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Fifteen (15) in Township One Hundred Twenty-four (124) North or Range Twenty-nine (29) West, according to the U.S. Government Survey thereof.

NOTE: This description begins at a point on the center line of College Avenue and proceeds West along the North line of the Church of St. Joseph Cemetery and continues West to a point due South of the Southwest corner of the existing corporate limits. The description then proceeds North to the point of intersection with the Southwest corner of the existing corporate limits, which corner is also the Southwest corner of Lot 5, Auditor's Subdivision No. 4.

Approved by the City of St. Joseph this 22nd day of April, 1992.

Steven B Dehler
Mayor

Rachel Stapleton
Clerk/Administrator

Approved by the Township of St. Joseph this 26 day of May, 1992.

Joseph Bechtold
Township Chairman

Anna Powell
Township Clerk

"EXHIBIT B"

REC'D BY JUN 11 1992

APO
COPY



Sisters of Saint Benedict

December 28, 1990

Mr. Jerome Salzer, Chair
St. Joseph Township Board
Rural Route #2
St. Joseph, MN 56374

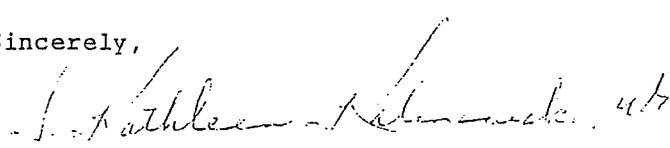
Dear Mr. Salzer:

As per our agreement on October 29, 1990, we are hereby furnishing the St. Joseph Township Board with a map of the property of the Sisters of the Order of St. Benedict that may be affected sometime in the future by an arterial road. The designation of the area on the enclosed map where such a road may be developed is not to be understood as consent for the development of an arterial road across the property. Rather, it is an identification of an area where the Sisters of the Order of St. Benedict and the College of St. Benedict agree not to construct any buildings.

If and when there is any funding for the development of an arterial road in the area, it is our understanding that the normal legal processes will be followed at that time. We would like to again state that we are opposed to the development of the road and that we do not have any projections to sell the land to the west and south of the Convent and College campuses for development or to develop it ourselves.

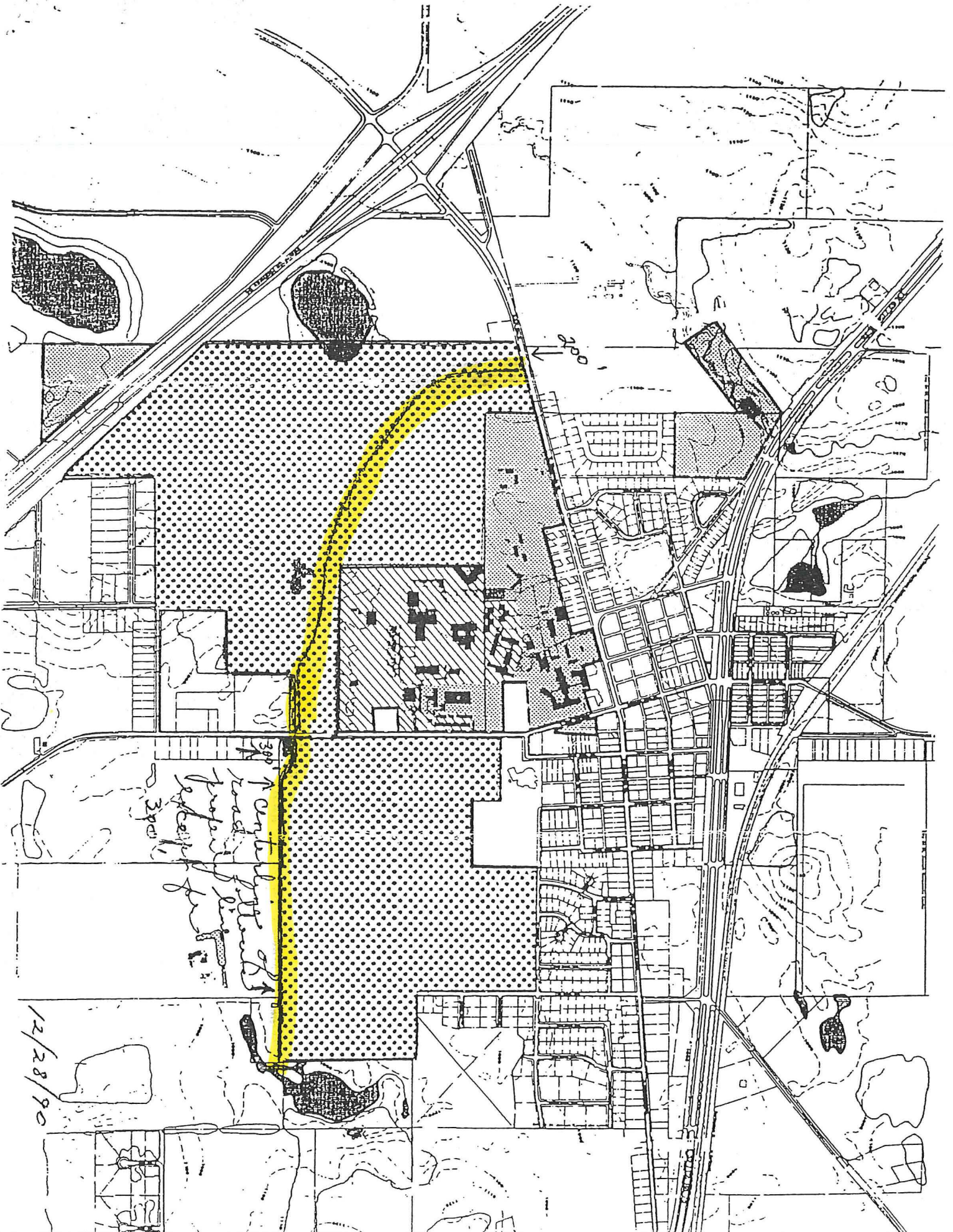
If you have any questions, I would be grateful if you call me at (612) 363-7005.

Sincerely,


Sister Kathleen Kalinowski, O.S.B.
Treasurer

SKK/so

cc: Colman O'Connell, O.S.B.
Jerry Relph



12/28/90

CITY OF ST. JOSEPH CORPORATE LIMITS

ST. BENEDICT

SW Corner
Lot 5

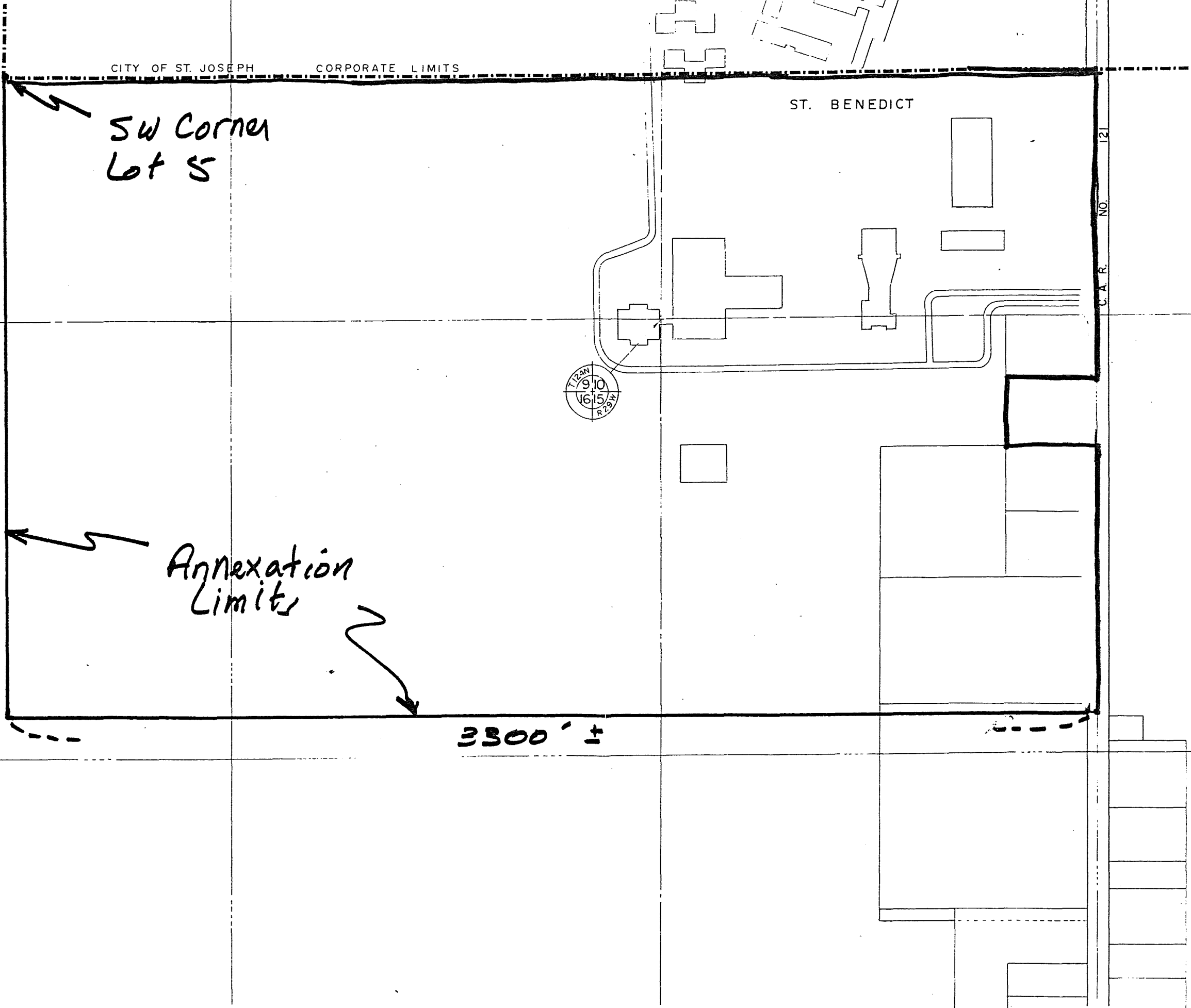
Annexation
Limits

2500' ±



C.A.R. NO. 121

REC'D. BY JUN 11 1992
MMB



**AMENDMENT TO THE JOINT
RESOLUTION FOR ORDERLY ANNEXATION
BETWEEN THE TOWNSHIP OF ST. JOSEPH, MINNESOTA
AND THE CITY OF ST. JOSEPH, MINNESOTA**

The township of St. Joseph and the City of St. Joseph hereby jointly agree that the area designated for orderly annexation in Joint Resolution Between the Township of St. Joseph and the City of St. Joseph Designating an Area for Orderly Annexation dated October 10, 1975 be amended to include the following:

Both the Township and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of this resolution, the Municipal Board may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the Joint Resolution.

The properties are legally described as follows:

Parcel 1:

That part of County Road 133 located between the center line of East Minnesota Street and the North line of the Southeast Quarter (SE 1/4) of Section Ten (10), Township One Hundred Twenty-four (124) North, Range Twenty-nine (29). This tract contains .46 acres, more or less.

Parcel 2:

That part of the North Half (N 1/2) of East Minnesota Street lying South and adjacent to the following described parcel, which contains .11 acres, more or less:

All that part of the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4) of section numbered ten (10), in Township numbered One Hundred Twenty-four (124) North, of Range numbered Twenty-nine (29) West, described within the following metes and boundary lines to-wit:

Beginning at the NE corner of the NW 1/4 SE 1/4 of Section 10, Twp. and Rfe. aforesaid, running thence South along the East line of said NW 1/4 of SE 1/4 of Section 10, 281.00 feet to the North line of Old State Trunk Highway No. 52; thence in a SWly direction along the Nly boundary line of Old State Highway No. 52, 156 feet; thence due North and parallel with the East line of said NW 1/4 SE 1/4 of Sec. 10, for approximately 298 feet to the North line of said NW 1/4 SE 1/4, thence due East along the North line of said NW 1/4 SE 1/4 to the point of beginning and there terminating.

Parcel 3:

All that part of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section Ten (10), Township One Hundred Twenty-Four (124) North, Range Twenty-Nine (29) West, Stearns County, Minnesota, described as follows, to-wit:

The North 200 feet of the described tract. Beginning at a point on the Northerly line of the Old Minnesota State Highway #52 distant 305 feet West of the Easterly line of the Northwest Quarter of the Southeast Quarter of said Section 10; thence running Northerly a distance of 305 feet, more or less, to a point on the Northerly line of said NW1/4 SE1/4, which point is 316 feet West of the Easterly line of said NW1/4 SE1/4; thence running Westerly along said Northerly line of said NW1/4 SE1/4 a distance of 173 feet to a point; thence South a distance of 316 1/2 feet, more or less, to its intersection with the Northerly line of Old State Highway #52 at a point which is 463 feet Westerly of the East line of said NW 1/4 SE1/4; thence Easterly along said Northerly line of said Old State Highway #52 for a distance of 158 feet to the point of beginning. This tract contains .79 acres, more or less.

Parcel 4:

That part of the Northeast Quarter of the Northeast Quarter in Section 15, Township 124, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Northwest corner of said Northeast Quarter of the Northeast Quarter; thence EAST on an assumed bearing along the North line of said Northeast Quarter of the Northeast Quarter 500 feet to the point of beginning of the land to be described; thence South 00 degrees 09 minutes 26 seconds East parallel with the West line of said Northeast Quarter of the Northeast Quarter 1330.93 feet to the South line of said Northeast Quarter of the Northeast Quarter; thence North 89 degrees 57 minutes 43 seconds East along said South line 819.95 feet to the East line of said Section; thence North 00 degrees 10 minutes 42 seconds West along said East line 1330.38 feet to the Northeast corner of Section; thence WEST along the North line of said Section 819.47 feet to the point of beginning and there terminating. Said tract contains 25.04 acres, more or less, and shall be used by vendee, its successors and assigns, exclusively for a storm sewer outlet and municipal park and recreational purposes. Subject to any easements of record. Together with an easement for road purposes, to be used by vendor and vendee, their respective successors and assigns, over the North 66 feet of the West 500 feet of said Northeast Quarter of the Northeast Quarter.

Parcel 5:

That part of the Southwest Quarter of th Northeast Quarter (SW 1/4 NE 1/4) of Section Ten (10), Township One Hundred Twenty-Four (124) North, Range Twenty-nine (29) West, lying North of the railroad right-of-way of the St. Paul and Pacific Railroad Company

as located over and across said land. Said tract contains 21.67 acres, more or less.

Parcel 6:

All that part of the Southwest Courter of the Northeast Quarter (SW 1/4 NE 1/4) of Section ten (10), Township One Hundred Twenty-four (124) North, Range Twenty Nine (29) West, lying Fifty (50) feet either side of and adjacent to Burlington Northern, Inc. main track centerline. Said tract contains 3.03 acres, more or less.

Parcel 7:

All that part of CSAH 75 Right-of-way lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Ten (10), Township One Hundred Twenty-four (124), Range Tweny-nine (29) West.

and

All that part of CSAH 75 Right-of-way line of the North extension of the East Right-of-way line of Third (3rd) Avenue Southeast. Said tract contains 6.56 acres, more or less.

Whereas, Parcel Four (4) of the above described property is not currently designated for orderly annexation;

The undersigned jointly resolve that Parcel Five (5) ^{s/b 4} of the above described property is in need of orderly annexation, and resolve that the property be annexed in conjunction with the remainder of the above described properties.

Approved by the City of St. Joseph this 5th day of December, 1991.

Steve B Dehler
Mayor

Rachel Stapleton
City Clerk

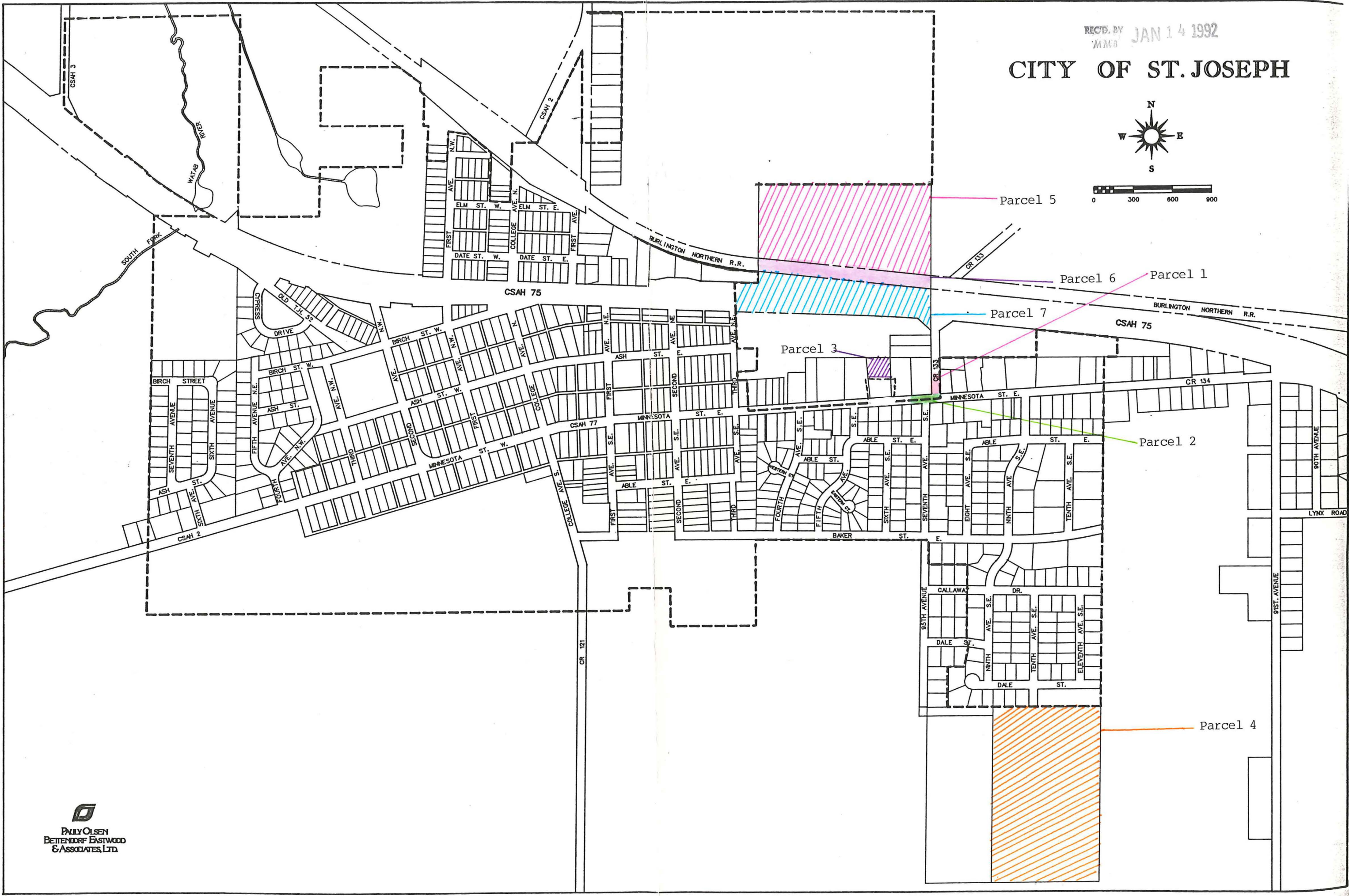
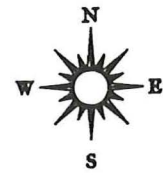
Approved by the Township of St. Joseph this 25 day of November, 1991.

Bernard K. Schloemer
Township Board Chairman

Erica Reich
Township Board Clerk

REC'D. BY
MMB
JAN 14 1992

CITY OF ST. JOSEPH



Parcel 5

Parcel 6

Parcel 1

Parcel 7

Parcel 3

Parcel 2

Parcel 4

AMENDMENT TO THE JOINT

RESOLUTION BETWEEN THE TOWN

OF St. Joseph AND THE CITY OF St. Joseph

DESIGNATING AN AREA FOR ORDERLY ANNEXATION

The Township of St. Joseph and the City of St. Joseph hereby jointly agree that the area designated for orderly annexation in the Joint Resolution Between the Town of St. Joseph and the City of St. Joseph Designating an Area for Orderly Annexation approved on Oct. 2, 1975 be amended to include the following:

Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of the initiating resolution/s [NOTE: You must specify if a resolution by one signatory is sufficient or if both parties must pass resolutions], the Municipal Board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the joint resolution.

Approved by the City of St. Joseph this 16th day of April, 1987.

Mike Kro
Mayor

Rachel Stapleton
City Clerk

Approved by the Town of St. Joseph this 27th day of April, 1987.

Norman Scherer
Town Board Chairman

Anna Resch
Town Board Clerk

OCT 15 1975

OA-118

JOINT RESOLUTION AS TO ORDERLY
ANNEXATION, CITY OF ST. JOSEPH
AND TOWNSHIP OF ST. JOSEPH

WHEREAS, The Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexation of certain portions of St. Joseph Township to the City of St. Joseph; and

WHEREAS, The Township of St. Joseph and the City of St. Joseph are parties to said hearing; and

WHEREAS, There is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the Municipal parties hereto desire to set forth such terms of settlement by means of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township of St. Joseph and the City of St. Joseph, as follows:

1. That the following described area in St. Joseph Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.032, and the parties hereto do hereby designate each of the following areas as in need of orderly annexation as provided by Statute:

ZONE 1.

Zone 1 shall consist of that part of the following tracts not now within the City limits of the City of St. Joseph:

The East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Nine (9); ALSO, the Northwest Quarter ($NW\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4}$); the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4}$); the Northerly Sixty (60) feet of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$); and that part of the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$) lying Southerly of the Northerly line of Burlington Northern Railway Company's right of way, of Section Ten (10); all in Township One Hundred Twenty-four (124) North of Range Twenty-nine (29) West, Stearns County, Minnesota.

ZONE 2.

Zone 2 includes that part of the following properties not now within the City limits of the City of St. Joseph and not included in Zone 1 described above:

The Easterly Sixty (60) feet of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$), less the Southerly Three Hundred Six and Seven Tenths (306.7) feet thereof; the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section Ten (10), including Blocks One (1), Two (2) and Three (3) of Cloverdale Estates, excepting therefrom, however, Lots One (1), Two (2) and Three (3) of Block One (1), of Cloverdale Estates; the West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$) of Section Eleven (11), including all of Mohs Addition; all of Whispering Pines Addition; and that part of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of Section Eleven (11), lying Southerly of the Northerly line of Burlington Northern Railway Company's right of way, all in Township One Hundred Twenty-four (124) North of Range Twenty-nine (29) West, Stearns County, Minnesota.

That the Township of St. Joseph does, upon the passage of this resolution and its adoption by the City Council of the City of St. Joseph, agree to withdraw its opposition to the Petition for Annexation and confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or sub-urban in character and unless the City is capable of providing municipal services such as water, sanitary sewers and storm sewers.

3. Any persons annexed to the City pursuant to this agreement shall receive a "tax break" consisting of a staged graduated increase in mill rates from the Town rate to the City rate over a period of not less than three (3) nor more than five (5) years. The Municipal Commission shall have the authority to order such tax break consistent with the timing of the municipal services to the area.

4. The area designated as Zone 1, all of which land is contained in the area subject to orderly annexation, as described in Paragraph 1, is properly subject to annexation during the next one (1) to five (5) years, under and pursuant to Minnesota Statutes, Section 414.032, as amended, subject to all the provisions contained in this agreement.

5. It is agreed by and between the parties hereto that complete authority and jurisdiction for planning and land use control in all of the area designated as in need of orderly annexation shall be conferred upon the five (5) man committee appointed pursuant to the Joint Powers Agreement between Stearns County, the City of St. Joseph and the Township of St. Joseph entered into among the three (3) municipalities and it is agreed that the decisions of the five (5) man committee will be final, subject to District Court appeal.

6. Unless a unanimous petition of property owners has been filed with the City, and the City is capable of providing municipal services, the City agrees not to petition for the annexation of any area designated as Zone 1 in Paragraph 1 above for a period of five (5) years unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in Zone 1 by the Minnesota Pollution Control Agency or any other State or Federal regulatory agency. At the end of five (5) years, the Township agrees not to object to any petition for annexation of Zone 1 by the City of St. Joseph pursuant to Minnesota Statutes 414.032.

7. Unless a unanimous petition of property owners has been filed with the City and the City is capable of providing municipal services, the City agrees not to petition for the annexation of any areas designated as Zone 2 in Paragraph 1 above for a period of ten (10) years unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in Zone 2 therein by the Minnesota Pollution Control Agency or any other State or Federal regulatory agency. At the end of ten (10) years, the Township agrees not to object to any

petition for annexation of Zone 2 by the City of St. Joseph pursuant to Minnesota Statutes 414.032.

8. Both parties agree to work jointly to secure Federal Grants in aid for sewer extensions in the area described in Paragraph 1 hereof.

9. Notwithstanding any contrary provisions in Paragraph 6 and Paragraph 7, the Township will not oppose any unanimous petition of land owners of any areas within the orderly annexation area, regardless of whether those lands are developed or undeveloped.

The purpose of this agreement is to preserve the option of the owners of single family residential properties situated in the area to remain in the Township during the term of this agreement as outlined in Paragraphs 6 and 7 above, including existing residential properties and those which may be developed hereafter; and, to provide for the annexation of other properties which is, or is about to be, developed for single family residential purposes and which will require municipal water and sewer service and to grant the right to owners of any property to petition for annexation without opposition by the Township on the unanimous petition of property owners.

10. Notwithstanding any other provision of this agreement, any lands annexed to the City which are classified as agricultural lands shall be classified by the City as agricultural lands and shall be taxed only at the rate provided by law for such agricultural lands and not at the full City rate for so long as said lands retain their classification as agricultural lands as herein otherwise provided.

11. Any person owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of special assessments and hook-up charges on projects previously completed by the City which may be assessable against said annexed property:

a. The property owner may elect to pay, within Thirty (30) days after the effective date of the annexation, the entire principal balance of said assessment, or hook-up charge, assessable against the annexed property as though said assessment had been paid within the statutory grace period for payment of similar assessments as of the date on which the first assessment for said project was made; or

b. The property owner so annexed may elect to pay the entire principal balance in equal annual installments, plus interest on said installments, at the rate established for that assessable project, for all other property owners thereby assessed, over the remaining assessable years, or for such period as the City Council may agree.

12. In order to give residents now residing within the area and who own large lots a break on the cost of municipal water, sanitary sewer and storm sewer improvements in the area, the City agrees that assessments for such future improvements within the area affecting property owners now residing therein shall be calculated as follows: Eighty percent (80%) of the total cost of the project shall be assessed on a per unit basis, based on the total number of units projected to be served by the project and Twenty percent (20%) of the cost shall be levied on a square foot basis, based on the total number of square feet to be served by the project. In the case of properties owned by persons now residing within the area, which are capable of being divided into more than one residential tract, the City agrees that the per unit cost to be levied against additional units not now in existence shall be deferred until such units are actually constructed, but the City reserves the right to impose the same per unit charge, or hook-up charge in the event additional units are constructed on said tracts.

13. It is agreed that the general policy of the Township shall be not to grant any building permit within the orderly annexation area described in Paragraph 1, unless the property owner has been advised of the terms of this agreement by the recording thereof in the office of the Register of Deeds.

14. Within the area designated for orderly annexation, described in Paragraph 1, any developer or property owner may petition the Minnesota Municipal Commission for the immediate annexation of his property provided he agrees to pay for or finance the full cost of furnishing all municipal services to the area to be developed by him and provided he deposits either cash or a surety bond with the City pursuant to the provisions of the City's Subdivision Ordinance.

15. The City agrees to amend its Subdivision Regulation Ordinance to provide for minimum lot sizes of 10,000 square feet.

Passed and adopted by the City of St. Joseph this 2 day of October, 1975.



Mayor

ATTEST:




City Clerk

Passed and adopted by the Township of St. Joseph this 2nd day of October, 1975.



Town Board Chairman

ATTEST:



Town Clerk

DA-118

JOINT RESOLUTION AS TO ORDERLY
459083 ANNEXATION, CITY OF ST. JOSEPH
 AND TOWNSHIP OF ST. JOSEPH

WHEREAS, The Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexation of certain portions of St. Joseph Township to the City of St. Joseph; and

WHEREAS, The Township of St. Joseph and the City of St. Joseph are parties to said hearing; and

WHEREAS, There is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the Municipal parties hereto desire to set forth such terms of settlement by means of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township of St. Joseph and the City of St. Joseph, as follows:

1. That the following described area in St. Joseph Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.032, and the parties hereto do hereby designate each of the following areas as in need of orderly annexation as provided by Statute:

ZONE 1.

Zone 1 shall consist of that part of the following tracts not now within the City limits of the City of St. Joseph:

The East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Nine (9); ALSO, the Northwest Quarter ($NW\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4}$); the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4}$); the Northerly Sixty (60) feet of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$); and that part of the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$) lying Southerly of the Northerly line of Burlington Northern Railway Company's right of way, of Section Ten (10); all in Township One Hundred Twenty-four (124) North of Range Twenty-nine (29) West, Stearns County, Minnesota.

ZONE 2.

Zone 2 includes that part of the following properties not now within the City limits of the City of St. Joseph and not included in Zone 1 described above:

The Easterly Sixty (60) feet of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), less the Southerly Three Hundred Six and Seven Tenths (306.7) feet thereof; the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), including Blocks One (1), Two (2) and Three (3) of Cloverdale Estates, excepting therefrom, however, Lots One (1), Two (2) and Three (3) of Block One (1), of Cloverdale Estates; the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Eleven (11), including all of Mohs Addition; all of Whispering Pines Addition; and that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eleven (11), lying Southerly of the Northerly line of Burlington Northern Railway Company's right of way, all in Township One Hundred Twenty-four (124) North of Range Twenty-nine (29) West, Stearns County, Minnesota.

That the Township of St. Joseph does, upon the passage of this resolution and its adoption by the City Council of the City of St. Joseph, agree to withdraw its opposition to the Petition for Annexation and confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or sub-urban in character and unless the City is capable of providing municipal services such as water, sanitary sewers and storm sewers.

3. Any persons annexed to the City pursuant to this agreement shall receive a "tax break" consisting of a staged graduated increase in mill rates from the Town rate to the City rate over a period of not less than three (3) nor more than five (5) years. The Municipal Commission shall have the authority to order such tax break consistent with the timing of the municipal services to the area.

4. The area designated as Zone 1, all of which land is contained in the area subject to orderly annexation, as described in Paragraph 1, is properly subject to annexation during the next one (1) to five (5) years, under and pursuant to Minnesota Statutes, Section 414.032, as amended, subject to all the provisions contained in this agreement.

5. It is agreed by and between the parties hereto that complete authority and jurisdiction for planning and land use control in all of the area designated as in need of orderly annexation shall be conferred upon the five (5) man committee appointed pursuant to the Joint Powers Agreement between Stearns County, the City of St. Joseph and the Township of St. Joseph entered into among the three (3) municipalities and it is agreed that the decisions of the five (5) man committee will be final, subject to District Court appeal.

6. Unless a unanimous petition of property owners has been filed with the City, and the City is capable of providing municipal services, the City agrees not to petition for the annexation of any area designated as Zone 1 in Paragraph 1 above for a period of five (5) years unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in Zone 1 by the Minnesota Pollution Control Agency or any other State or Federal regulatory agency. At the end of five (5) years, the Township agrees not to object to any petition for annexation of Zone 1 by the City of St. Joseph pursuant to Minnesota Statutes 414.032.

7. Unless a unanimous petition of property owners has been filed with the City and the City is capable of providing municipal services, the City agrees not to petition for the annexation of any areas designated as Zone 2 in Paragraph 1 above for a period of ten (10) years unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in Zone 2 therein by the Minnesota Pollution Control Agency or any other State or Federal regulatory agency. At the end of ten (10) years, the Township agrees not to object to any

petition for annexation of Zone 2 by the City of St. Joseph pursuant to Minnesota Statutes 414.032.

8. Both parties agree to work jointly to secure Federal Grants in aid for sewer extensions in the area described in Paragraph 1 hereof.

9. Notwithstanding any contrary provisions in Paragraph 6 and Paragraph 7, the Township will not oppose any unanimous petition of land owners of any areas within the orderly annexation area, regardless of whether those lands are developed or undeveloped.

The purpose of this agreement is to preserve the option of the owners of single family residential properties situated in the area to remain in the Township during the term of this agreement as outlined in Paragraphs 6 and 7 above, including existing residential properties and those which may be developed hereafter; and to provide for the annexation of other properties which is, or is about to be, developed for single family residential purposes and which will require municipal water and sewer service and to grant the right to owners of any property to petition for annexation without opposition by the Township on the unanimous petition of property owners.

10. Notwithstanding any other provision of this agreement, any lands annexed to the City which are classified as agricultural lands shall be classified by the City as agricultural lands and shall be taxed only at the rate provided by law for such agricultural lands and not at the full City rate for so long as said lands retain their classification as agricultural lands as herein otherwise provided.

11. Any person owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of special assessments and hook-up charges on projects previously completed by the City which may be assessable against said annexed property:

a. The property owner may elect to pay, within Thirty (30) days after the effective date of the annexation, the entire principal balance of said assessment, or hook-up charge, assessable against the annexed property as though said assessment had been paid within the statutory grace period for payment of similar assessments as of the date on which the first assessment for said project was made; or

b. The property owner so annexed may elect to pay the entire principal balance in equal annual installments, plus interest on said installments, at the rate established for that assessable project, for all other property owners thereby assessed, over the remaining assessable years, or for such period as the City Council may agree.

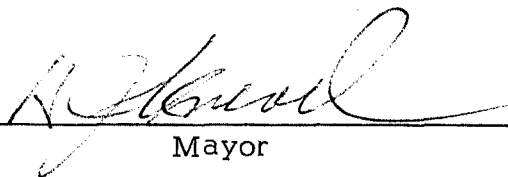
12. In order to give residents now residing within the area and who own large lots a break on the cost of municipal water, sanitary sewer and storm sewer improvements in the area, the City agrees that assessments for such future improvements within the area affecting property owners now residing therein shall be calculated as follows: Eighty percent (80%) of the total cost of the project shall be assessed on a per unit basis, based on the total number of units projected to be served by the project and Twenty percent (20%) of the cost shall be levied on a square foot basis, based on the total number of square feet to be served by the project. In the case of properties owned by persons now residing within the area, which are capable of being divided into more than one residential tract, the City agrees that the per unit cost to be levied against additional units not now in existence shall be deferred until such units are actually constructed, but the City reserves the right to impose the same per unit charge, or hook-up charge in the event additional units are constructed on said tracts.

13. It is agreed that the general policy of the Township shall be not to grant any building permit within the orderly annexation area described in Paragraph 1, unless the property owner has been advised of the terms of this agreement by the recording thereof in the office of the Register of Deeds.

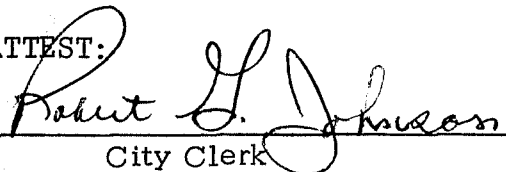
14. Within the area designated for orderly annexation, described in Paragraph 1, any developer or property owner may petition the Minnesota Municipal Commission for the immediate annexation of his property provided he agrees to pay for or finance the full cost of furnishing all municipal services to the area to be developed by him and provided he deposits either cash or a surety bond with the City pursuant to the provisions of the City's Subdivision Ordinance.

15. The City agrees to amend its Subdivision Regulation Ordinance to provide for minimum lot sizes of 10,000 square feet.

Passed and adopted by the City of St. Joseph this 2 day of October, 1975.


Mayor

ATTEST:


City Clerk

Passed and adopted by the Township of St. Joseph this 2nd day of October, 1975.


Town Board Chairman

ATTEST:


Town Clerk

459083

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127 Misc.
291

John A.
Bette B. B...

Transfer entered

Delaney 2-2-105
Ally. Amundson

County Auditor
By *John B. Smith* Deputy

Adm. Knapp